

PTO/SB/21 (08-04)

Approved for use through 07/31/2006 OMB 0651-0031

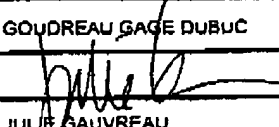
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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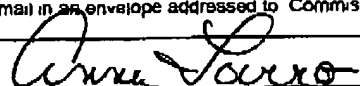
<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/756,778	<b>RECEIVED</b>  <b>CENTRAL FAX CENTER</b>  <b>FEB 01 2006</b>
	Filing Date	JANUARY 14, 2006	
	First Named Inventor	COTE, Jean-Charles	
	Art Unit	1653	
	Examiner Name	Rooke, Agnes Beata	
Total Number of Pages in This Submission	4	Attorney Docket Number	765/12292.6

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) - Submission under 37 C.F.R. Section 1.28 (c)
Remarks _____		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	GOUDREAU GAGE DUBUC		
Signature			
Printed name	JULIE SAUVREAU		
Date	JANUARY 1, 2006	Reg. No.	52,532

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Anna Fovero	Date	JANUARY 1, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (01-06)

Approved for use through 07/31/2006 OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☐ Applicant claims small entity status See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1335.00

**Complete if Known**

Application Number 10/756,778  
 Filing Date JANUARY 14, 2004  
 First Named Inventor COTE, Jean-Charles  
 Examiner Name Rooke, Agnes Beata  
 Art Unit 1853  
 Attorney Docket No 765/12292.6

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FEB 01 2006

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number 07-1742 Deposit Account Name GOUDREAU GAGE DUBUC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP =	x	=
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HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP =	x	=
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HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 =	/ 50 =	(round up to a whole number) x	=	
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**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Submission under 37 C.F.R. Section 1.28 (c)

1335.00

**SUBMITTED BY**

Signature

Registration No. 52,532  
(Attorney/Agent)

Telephone 514-397-4374

Name (Print/Type) JULIE GAUDREAU

Date JANUARY 1, 2006

The collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Côté, Jean-Charles  
Atty. Docket No.: 12292.6  
Serial No./Patent no: 10/756,778  
Group Art Unit: 1653  
Filed: 14 January 2004  
Examiner: Rooke, Agnes Beata  
Title: A NOVEL BACILLUS THURINGIENSIS STRAIN, CRYSTAL GENE AND  
CRYSTAL PROTEIN AND USES THEREOF

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FEB 01 2006

**SUBMISSION UNDER 37 C.F.R. § 1.28 (c)**Commissioner for Patents  
Alexandria VA 22313-1450

Sir:

The present is to inform you that although the status of small entity for the above-cited application was established in good faith, and fees as a small entity were paid in good faith, it has now been discovered that such status as a small entity was established in error.

The Applicant therefore asks the Commissioner to excuse this error since paragraphs § 1.28 (c) (1) and (2) are complied with herein.

## 1) Itemization of particular types of fees erroneously paid as a small entity:

## a. Basic filing fee

- i. Current fee amount for non small entity: \$790.00
- ii. Fee amount actually paid: \$417.00
- iii. Date of Payment: January 14, 2004
- iv. Deficiency owed amount: \$373.00

## b. Additional independent claim

02/02/2006 SLUANG1 00000006 071742 10756778

01 FC:1001	790.00 DA
02 FC:1201	200.00 DA
03 FC:1051	130.00 DA
04 FC:1252	450.00 DA
05 FC:1253	1020.00 DA

- i. Current fee amount for non small entity: \$200.00
- ii. Fee amount actually paid: \$43.00
- iii. Date of Payment: January 14, 2004
- iv. Deficiency owed amount: \$157.00

## c. Response to Notice to File Missing Parts of Application

- i. Current fee amount for non small entity: \$130.00
- ii. Fee amount actually paid: \$65.00

- iii. Date of Payment: July 30, 2004
- iv. Deficiency owed amount: \$65.00
- d. **Two-month extension to respond to Notice to File Missing Parts of Application**
  - i. Current fee amount for non small entity: \$450.00
  - ii. Fee amount actually paid: \$210.00
  - iii. Date of Payment: July 30, 2004
  - iv. Deficiency owed amount: \$230.00
- e. **Three-month extension to respond to Office Action dated April 20, 2005**
  - i. Current fee amount for non small entity: \$1020.00
  - ii. Fee amount actually paid: \$510.00
  - iii. Date of Payment: August 18, 2005
  - iv. Deficiency owed amount: \$510.00

2) Total deficiency payment owed: \$1335.00

Please thus debit our deposit account no. 07-1742 of \$1335.00

Respectfully submitted,

Date: February 1, 2006

Julie Gauvreau  
GOUDREAU GAGE DUBUC  
Stock Exchange Tower  
Suite 3400, P.O. Box 242  
800 Place-Victoria  
Montreal, Quebec, Canada  
H4Z 1E9  
Tel.: (514) 397-4374

Registration No. 52,532

Adjustment date: 02/02/2006 SLUANG1  
01715/2004 SDIRETA1 00000088 071742 10756778  
01 FC:2001 385.00 CR  
02 FC:2201 43.00 CR

Adjustment date: 02/02/2006 SLUANG1  
08703/2004 WABDELRI 00000129 071742 10756778  
01 FC:2051 65.00 CR

Adjustment date: 02/02/2006 SLUANG1  
08703/2004 WABDELRI 00000129 071742 10756778  
02 FC:2252 210.00 CR

Adjustment date: 02/02/2006 SLUANG1  
08719/2005 HLE333 00000008 071742 10756778  
01 FC:2253 510.00 CR